

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

MORRIS RICKS,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 5:12-CV-206 (MTT)
)	
ALBERT MURRAY,)	
)	
Respondent.)	
_____)	

ORDER

Before the Court is the Recommendation of Magistrate Judge Charles H. Weigle. (Doc. 18). The Magistrate Judge recommends granting the Respondent's motion to dismiss (Doc. 9) because the Petitioner failed to file his 28 U.S.C. § 2254 petition within the one-year period of limitations and failed to establish entitlement to equitable tolling.

The Petitioner objects to the Recommendation. (Doc. 19; Doc. 21). After considering the Petitioner's Objection pursuant to 28 U.S.C. § 636(b)(1) and making a de novo determination of the portions of the Recommendation objected to, the Court finds the Petitioner has not produced any new arguments or evidence not addressed by the Magistrate Judge that are material to the outcome. Nor has he shown that, even if he pursued his rights diligently, any extraordinary circumstance stood in his way and prevented a timely filing of his federal habeas petition. Accordingly, there is nothing to indicate he timely filed his petition or is entitled to relief from the one year period set forth in 28 U.S.C. § 2244(d).

Accordingly, the Recommendation is **ADOPTED** and made the **ORDER** of this Court. Further, the Petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

Therefore, the Respondent's Motion to Dismiss is **GRANTED**,¹ and a certificate of appealability is **DENIED**.

SO ORDERED, this 1st day of August, 2013.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

¹ The Petitioner's motion to dismiss constitutional claim six of the petition (Doc. 11) and his motion for an evidentiary hearing (Doc. 13) are **DENIED as moot**.